

SENATE BILL 3232

By Woodson

AN ACT to amend Tennessee Code Annotated, Title 49  
and Title 50, relative to whistleblower protection  
for certain employees of local education agencies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, Part 3, is amended by  
adding the following as a new section:

50-1-309.

(a) No teacher employed by a local education agency shall be  
discharged, terminated, or otherwise discriminated against with respect to  
compensation, terms, conditions or privileges of employment solely for refusing  
to participate in, or for refusing to remain silent about, illegal activities.

(b) As used in this section, illegal activities means activities that are in  
violation of the criminal or civil code of this state or the United States or any  
regulation intended to protect the public health, safety or welfare.

(c)

(1) Any teacher terminated or discriminated against in violation of  
subsection (a) shall have a cause of action against the employer for  
violation of this section and any other damages to which the employee  
may be entitled.

(2) Any teacher terminated or discriminated against in violation of  
subsection (a) solely for refusing to participate in, or for refusing to remain  
silent about, illegal activities who prevails in a cause of action against an  
employer for such prohibited actions shall be entitled to recover  
reasonable attorney fees and costs.

(d)

(1) This section shall not be used for frivolous lawsuits and anyone who files a frivolous lawsuit is subject to sanction as provided in subdivision (d)(2).

(2) If any teacher files a cause of action for retaliatory discharge for any improper purpose, such as to harass or to cause needless increase in costs to the employer, the court, upon motion or upon its own initiative, shall impose upon the teacher an appropriate sanction, which may include an order to pay the other party or parties the amount of reasonable expenses incurred, including reasonable attorney's fee.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.